

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

DAVID WAYNE PROFFITT)	
)	
v.)	NO. 2:04-CV-68
)	
JO ANNE B. BARNHARDT,)	
Commissioner of Social Security)	

J U D G M E N T

This is an action for judicial review of the final decision of the defendant Commissioner denying the plaintiff's application for supplemental security income and disability insurance benefits under the Social Security Act.

Pursuant to a memorandum opinion filed herewith, the defendant's motion for summary judgment is **DENIED**; Mr. Proffitt's motion for summary judgment is **GRANTED IN PART**; and this action is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further development of the evidence with regard to how Mr. Proffitt's nebulizer use impacts his ability to work.

ENTER:

s/Thomas Gray Hull
THOMAS GRAY HULL
SENIOR U. S. DISTRICT JUDGE